

# **Exhibit G**

**EASTERN DISTRICT OF NEW YORK**  
**U.S. Attorney's Office**

**TRANSCRIPT**

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Case #: CV-25-1759

Participants: Judge Richard Bailey, Emily Spataro, Michael Leonetti, Miguel Barrios, Spanish Interpreter

Recording Time: N/A

Recording Date: November 13<sup>th</sup>, 2024

Type: Immigration Interview

Method: Virtual

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2 BAILEY: Today is November 13<sup>th</sup>, 2024. This is Immigration Judge  
3 Richard Bailey at the Elizabeth Immigration Court. Counsel for the  
4 Department, your appearance please.

5

6 SPATARO: Your Honor, Emily Spataro on behalf of the Department.

7

8 BAILEY: Good afternoon. To all parties present, the use of  
9 recording devices is prohibited during these proceedings. Unless  
10 otherwise noted, all respondents are appearing virtually from the  
11 Moshannon Valley Processing Center. We are joined this afternoon by  
12 a Spanish language interpreter. Madame Interpreter, please raise  
13 your right hand. Do you swear or affirm you are competent to  
14 interpret between Spanish and English and you will do so accurately  
15 and completely?

16

17 INTERPRETER: I do, Judge.

18

19 BAILEY: Thank you, you may lower your hand.

20

21 [END OF PART 1 OF THE RECORDING]

22

23 [START OF PART 2 OF THE RECORDING]

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24

25 BAILEY: This is a custody redetermination hearing in the matter  
26 of Miguel Gregorio Vamondez Barrios, 240176787. Respondent is  
27 present and represented by counsel appearing by Webex. Counsel,  
28 your appearance please.

29

30 LEONETTI: Good afternoon, Your Honor. Michael Leonetti from the  
31 Broncs defenders for Mr. Vamondez.

32

33 BAILEY: Good afternoon. Good afternoon to the respondent. What is  
34 your full name?

35

36 INTERPRETER: [previous question asked in Spanish]

37

38 BARRIOS: Miguel Gregorio Vamondez Barrios.

39

40 BAILEY: Sir, can you move yourself a little closer to the table  
41 so that that court can see you?

42

43 INTERPRETER: [previous question asked in Spanish]

44

45 BAILEY: Thank you. Attorney Leonetti do you waive interpretation  
46 of procedural matters and legal arguments?

47

48 LEONETTI: Yes, we do, Your Honor.

49

50 BAILEY: For bond purposes, the court will mark the exhibits as  
51 follows: Exhibit B-1 is the bond redetermination request filed by  
52 respondent on November 7<sup>th</sup>, 2024. Exhibit B-2 is evidence filed by  
53 the Department on November 8<sup>th</sup>, 2024, including tabs A and B.  
54 Exhibit B-3 is evidence filed by respondent on November 12<sup>th</sup>, 2024.

55 And one moment while this loads. This includes Tabs A through F.  
56 Attorney Spataro, does the court have jurisdiction?

57  
58 SPATARO: Yes, Your Honor.

59  
60 BAILEY: Attorney Leonetti, could you please make your arguments  
61 for release on bond?

62  
63 LEONETTI: Yes, thank you, Your Honor. Today, Mr. Vamondez asks the  
64 court to grant bond because he's not a flight risk nor a danger to  
65 his community. Release would allow him to reunite with his wife,  
66 who is a US citizen and is present today, Gloria Vamondez Browning  
67 [PH], and their three children, Ila, Lily, and Milena. As their  
68 main caregiver, he's eager to return to his family. And I'll begin  
69 with flight risk, so if released, he would live at the family's  
70 address at 1778 E. 53<sup>rd</sup> Street. That lease is in the record, page 17  
71 of Tab A. He'd be living with his wife Gloria and their three  
72 daughters. The oldest is newly four years old. The second youngest  
73 is one, and their newborn is seven months old. All the children are  
74 also US citizens. Ila is - and Lily are Mr. Vamondez's step  
75 daughters, and Milena that he and his wife have had together. His  
76 wife Gloria's letter of support is in the record at Tab A, where  
77 she describes Mr. Vamondez as the father figure that she's always  
78 wanted for her daughters. And she also describes that she is  
79 pursuing a degree in dental hygiene in order to raise her own  
80 income but that she's had to drop out of school and, um, scale back  
81 work temporarily now that she's providing around-the-clock child  
82 care. If released, Mr. Vamondez would be the primary caregiver to  
83 their daughters. I also wanted to direct the court's attention to  
84 the evaluation of his - of their oldest daughter Ila, who has been  
85 diagnosed with autism spectrum disorder, ASD, since 2022. Um, and

86 as Mrs. Browning describes in her letter of support, Ila has been  
87 extremely dependent on Mr. Vamondez's presence in her life. She -  
88 she responds mostly to - to his - his calming nature when she's  
89 having her episodes. The psychologist who evaluated Ila placed her  
90 functioning at around the level of a 12-month-old when she was  
91 almost two years old, showing that she has a significant  
92 developmental delay. Um, as Ms. Browning writes in her letter,  
93 Miguel is one of the very few people who can calm her while she's  
94 learning to navigate through her sensory differences. Um, I've also  
95 included a Tab D, two studies just highlighting the importance of  
96 parental presence and involvement on the development of children  
97 with autism, the first showing that parents being actively  
98 involved, uh, in a child with ASD's education leads to improvements  
99 in their performance and emotional well-being. And of course, Ila  
100 at four years old is transitioning into school, and Mr. Vamondez  
101 will be actively involved in that transition of her time in school  
102 if released. The second - second study, excuse me, shows how  
103 parental stress can negatively affect children with ASD leading to  
104 ASD interventions being less effective and causing disruptions in  
105 their development. His release would greatly relieve stress on his  
106 wife and would benefit his daughter in this way as well. Regarding  
107 relief, Your Honor, he has several pending applications, so as I  
108 said, his wife Gloria is a US citizen. They have a pending I-130.  
109 The receipt notice is at page 22. Um, he also has a pending  
110 application for TPS for Venezuela. Page 24 is the receipt notice.  
111 And of course, he has his I-589 application, which is pending  
112 before this court with an IH set for January. And that 589 as filed  
113 by his prior counsel is available at page 26. Um, and the last  
114 point on flight risk, Your Honor, is that he has prospect for  
115 employment if released. And once he receives authorization to work,  
116 his father-in-law has provided a letter of support stating that,

um, you know, that Miguel will be responsible for child care once he's released but then in the future he intends to offer him a position within that company, which he owns and is responsible for allocating jobs for. Um, and that Tab E, the court can see that he has taken a course on construction safety while detained and is taking steps to prepare himself for that employment. To touch on dangerousness, Your Honor, he has been arrested, but he has one conviction for petty larceny in last year in Nassau County. Um, three of his arrests have resulted in dismissal. These are the Queens cases that are available at pages 81 to 84 of the record. These were initiated by his mother-in-law but has since been rescinded and dismissed. She also provided a letter of support after the conclusion of these cases, um, which is available at Tab C. In addition to these cases which have already been dismissed, um, he has a few open cases. His - his attorney in the Bronx has provided a letter at page 80 of the - of Tab E explaining that he expects that case to be dismissed as well. As this arrest was over six months ago, the prosecution has already passed the speedy trial deadline. And his attorney has presented a motion to dismiss that case. The next court date is December 5<sup>th</sup>. And he stated his belief that it will be dismissed. As to his other cases, he has two open in New Jersey and one in Pennsylvania. None of these can be resolved as long as he's detained. There is a letter from his - his - his Pennsylvania attorney explaining that these can't be resolved without his presence and also communications from the New Jersey court. In addition, Your Honor, his family attests to the fact that he is not a dangerous person. In his mother-in-law's letter of support she writes that, quote, "His arrests don't define him. Miguel has never been violent with me or anyone in the family. And I know he is not a dangerous person in any way." His father-in-law also calls Mr. Vamondez, quote, "a pillar of his household" and

148 says, "I've never taken him as a person of aggression or malintent.  
149 He's always been respectful towards me.". Finally, Your Honor, Tab  
150 F, he's provided certificates from anger management and adapting to  
151 change courses while he's been detained, showing his commitment to  
152 a personal growth. But in total his arrest records should not weigh  
153 heavily against him as his only conviction is for petty larceny.  
154 His cases in Queens have been dismissed, and his case in the Bronx  
155 is expected to be dismissed next month. For these reasons, he's not  
156 flight risk nor a danger to his community. Thank you, Your Honor  
157

158 BAILEY: Attorney Spataro, any - what's the Department's position  
159 here?  
160

161 SPATARO: Your Honor, the Department would respectfully oppose the  
162 imposition of bond in this case. As far as danger, Your Honor, the  
163 Department does have concerns about the weapons charges in this  
164 case. I understand counsel's representations and that of his  
165 defense counsel. However, it is usually defense counsel's job to -  
166 to, uh, paint the case in the light most favorable to his client  
167 without any objective, um, recitation about what exactly were the  
168 facts of the case. The State believes - or the Department believes  
169 the court is at a disadvantage in order to determine whether or not  
170 respondent is a danger, particularly in reference to the weapons  
171 offenses. Uh, Department would also argue that theft defenses do  
172 pose a danger to property, which is something for the court to  
173 consider. And the Department would submit on that. Thank you.  
174

175 BAILEY: Thank you. Attorney Leonetti, any response?  
176

177 LEONETTI: Yes, Your Honor, regarding the Bronx case, so his  
178 attorney does state in his letter that this is a constructive

179 weapons possession case. He doesn't - he does these [UI]. But he  
180 explains in the letter that he was arrested without a weapon on his  
181 person. The weapon was recovered elsewhere. And, um, again, that -  
182 that - he says that he's confident that it will be dismissed. As to  
183 the theft cases, as I - the opening case is in New Jersey and the  
184 case in Pennsylvania at this point are just allegations. These  
185 cases are not resolved and will not be resolved as long as he's  
186 detained. Um, he has an attorney on the Pennsylvania case and has  
187 every intention of fighting that case. His New Jersey case, he's  
188 not even represented on at this point. Um, so again, these are just  
189 - just allegations as to the theft cases, and he just has the - the  
190 one conviction at this point. That's all. Thank you, Your Honor.

191  
192 BAILEY: Thank you, Counsel. Look, the - the weapons case in  
193 particular is concerning. The court has, as the Department pointed  
194 out, very little information about - about the nature of, uh, that  
195 allegation. It remains open. I understand his defense counsel is  
196 anticipating a dismissal for speedy trial, but it hasn't yet been  
197 dismissed, and there's of course, no guarantee there. The sheer  
198 number of arrests is concerning to the court. While most of them  
199 are property related, there have been the three involving his  
200 mother-in-law that were, uh, not property related. And those  
201 resulted in dismissals. The court gives them little weight, but the  
202 - the sheer number of arrests in general, combined with the fact  
203 he's got three opening - three open property-related offenses and  
204 then one open gun charge for possession of a firearm and  
205 endangering the welfare of a child, the court is going to find that  
206 he has not met his burden to establish he is not a danger to the  
207 community. And the court is denying bond in this case. Does the  
208 respondent reserve appeal?

210 LEONETTI: Yes, Your Honor.

211

212 BAILEY: Appeal is due December 13<sup>th</sup>, 2024. To the respondent, the  
213 Court is denying your request for release on bond based on the  
214 nature of your open charges.

215

216 INTERPRETER: [previous statement interpreted into Spanish]

217

218 BAILEY: Your attorney can provide you more information, including  
219 your right to file an appeal of this decision.

220

221 INTERPRETER: [previous statement interpreted into Spanish]

222

223 BARRIOS: Okay.

224

225 INTERPRETER: Okay.

226

227 BAILEY: Final for the Department?

228

229 SPATARO: Yes, Your Honor. Thank you.

230

231 BAILEY: Thank you. With that we are concluded, Code 8(B).

232

233

234 Dated this 28<sup>th</sup> day of April 2025.

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236 /S/ aLanguageBank

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